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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,011	10/08/2003	James M. Nohrden	SILA:156	6217

7590 05/26/2006

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EXAMINER

KOSTAK, VICTOR R

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/681,011

Applicant(s)

NOHRDEN, JAMES M.

Examiner

Victor R. Kostak

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2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/08/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. Claims 2-4 and 12-20 are objected to because of the following informalities: Claims 2 and 4 recite “*a (or the) plurality of receivers*” and claim 12 recites “*a first receiver*” and “*at least one additional receiver*”, but applicant only discloses a single receiver 104 that contains plural *tuners*. Claims 13 and 16 also refer to plural “receivers”. Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-12 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Reitmeier # 6,118,498 (cited by applicant).

The television receiving system of Reitmeier (noting particularly Figs. 1 and 3) carries out a method of minimizing latency when changing channels (e.g. col. 2 lines 14-18). At input 5 (which can be a cable: col. 3 lines 34-36), Reitmeier receives a channel signal spectrum (RF) comprising plural digital transport streams (col. 1 lines 33-35) which further contain respective A/V program channels (e.g. col. 2 lines 18-24). A first tuner 10A tunes to a first stream to obtain a current channel (col. 3 lines 41-43), and selection and tuning of a second transport stream (characterized by plural multiplexed A/V program channels) can be done based on a prediction of the next channel to be selected (e.g. col. 2 lines 34-37). Reitmeier utilizes a plurality of program channels within the first and second transport streams to help reduce the delay time (latency) in attributed to changing channels by storing a scan list derived from the plural A/V

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channels carried by the transport streams (e.g. col. 6 lines 21-54; col. 7 lines 12-21), thereby meeting claim 1.

As for apparatus claim 12, Reitmeier includes first and second tuners 10A and 10B (not receivers, language of claim 12 reciting plural “receivers” objected to above), as well as channel selection circuitry (user input controller 70 in Fig. 1).

As for claims 5 and 17, the channels selection includes predicting the next channel (col. 2 lines 34-37), as noted above.

As for claim 6, Reitmeier also involves the user’s sequential channel selection (up and down) to derive the scan list from which he anticipates channel changing (col. 7 lines 22-34).

Regarding claim 7, the user prompts channel selection with a controller 70, as noted earlier, the outputs for controlling various system signaling of which are shown in Fig. 1.

As for claim 8, the claimed “historical” selections read on the favorite channel list which can be determined over time and indicate user viewing habits (e.g. col. 7 lines 35-39).

Considering claims 9 and 18, Reitmeier incorporates a memory 34 for his transport stream (as well as a downstream memory 55).

As for claims 10 and 19, Reitmeier can use the MPEG-2 compression format (col. 2 lines 59-62).

Regarding claims 11 and 20, the transport stream can be obtained by way of antenna or cable (col. 3 lines 34-35), as noted previously.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reitmeier in view of Cowley (EPO # 1 317 073).

Cowley points out that embedding plural tuners on the same integrated circuit minimizes redundancy of hardware (Abstract). He more specifically discloses his circuitry in the television tuning environment involving cable or terrestrial communication (section[0001]).

In view of this express benefit, it would have been obvious to one of ordinary skill in the art to arrange the multiple tuners of Reitmeier on a single chip for the benefit of conserving hardware, thereby meeting claims 2 and 13.

As for claims 3, 14 and 15, Reitmeier decodes the plural transport streams in the A/V program reproduction process(stages 30, 45 of Fig. 1), which ultimately provide presentable programs (outputs of stages 50 and 60). The decoder provides plural output program channels from the plural transport streams.

4. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reitmeier and Cowley in view of Busson et al. # 2003/0053562).

As for claims 4 and 16, it would also have been obvious to one of ordinary skill in the art to include additional components on the same IC chip for the clear purpose of minimizing hardware and to be more cost efficient, as expressly disclosed by Busson ,who combines an A/V

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tuner and MPEG decoder on the same chip (sections [0002], [0008], and [0011]), in the system of Reitmeier as modified by Cowley.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**Or faxed to:**

**(571) 273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak  
Primary Examiner  
Art Unit 2622

VRK